

REMARKS

This is in response to the Office Action dated August 3, 2009. With this response, claims 1-3, 11, 14, 17, 34, 38, 40, and 45 are amended; claims 20-32, and 35-36 are cancelled; and all pending claims 1-19, 33, 34 and 37-66 are presented for reconsideration and favorable action.

In the Office Action the Abstract was objected to. With this response the Abstract is amended and it is believed that the objection may be withdrawn.

In the Office Action, the claims were rejected under 35 § U.S.C. 112. With this response, the claims have been amended and that rejection may be withdrawn.

In the Office Action, claims 1-19, 33, 34 and 37-66 were rejected under 35 § U.S.C. 102 based upon Rathman et al (US6112564). In view of the above amendments and following remarks, it is believed that the rejection may be withdrawn.

Initially, Applicant notes that the Office Action did not provide any specifics regarding the rejection of independent claims 1 and 2 along with their dependent claims. Instead, the single reference was generally cited.

Applicant notes that the device of the present invention comprises three main components, namely:

- 1) a drive 2;
- 2) a take-off 3; and
- 3) a coupling element 4 which is arranged "between" the drive and the take-off.

Depending on the state of the device (coupled or decoupled) forces and/or movements may be transmitted from the drive to the take-off by means of the coupling element. In particular, the behavior of the coupling element allows/does not allow a force transfer.

In the coupled state, the coupling element 4 moves in the same direction as the drive (claim 1) or in the same direction as the take-off (claim 2).

In the decoupled state, the coupling element 4 moves orthogonal with regard to a movement of the drive (claim 1).

It is not clear where in the disclosure of cited reference US6112564 the Examiner derives such behavior. It is believed that the pending claims are patentably distinct from this reference.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Judson K. Champlin/

Judson K. Champlin, Reg. No. 34,797  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3244  
Phone: (612) 334-3222  
Fax: (612) 334-3312